

REMARKS

In accordance with the foregoing, claim 1 has been amended and claims 7, 8, and 9 have been newly added. After entry of the claim amendment and the new claims, Claims 1, 3, 6-9 will be pending and under examination. No new matter is being presented, and approval of the new and amended claims is requested.

Rejections under 35 U.S.C. §103(a)

Claims 1, 3, and 6 stand rejected as being unpatentable over Yuyama et al. (U.S. Patent No. 5,825,408) (hereinafter “Yuyama”), Takei (US 2002/0057350 A1) and Yoshinobu et al. (U.S. Patent No. 5,761,372) (hereinafter “Yoshinobu”). The rejections are respectfully traversed and reconsideration is requested. The following is a comparison between the embodiments of the present invention and the cited references.

Independent claim 1, as amended herein, recites a memory storing programmed recording information; a detector for detecting that it is at a time point preceding a set start time of the programmed recording based on the programmed recording information stored in the memory; and a receiving state detection activator for activating the receiving state detector so that the receiving state detector detects the receiving state a predetermined amount of time preceding the set start time of the programmed recording.

On pages 2-3 of the final Action, the Examiner correctly notes that Yuyama and Takei fail to teach or suggest the foregoing features of claim 1; however, the Examiner alleges that the combination of Yoshinobu, with Yuyama and Takei, discloses these features.

However, Yoshinobu merely discloses a technique in which the CPU 12 registers the reservation unit in the timer 17 so that an interrupt signal will be generated at a certain time before the recording start (see, col. 5, lines 46-52). Yoshinobu further discloses a technique of carrying out the recording task (see, col. 5, lines 55-60).

That is, according to Yoshinobu, the reservation unit is registered in the timer 17 at a certain time before the recording start time in order to complete the recording reservation. Therefore, Yoshinobu does not *carry out detection* at a certain time before the recording start time. Thus, Yoshinobu does not disclose “detecting a receiving state of the waves of television broadcast” by the receiving state detector, as recited in present claim 1.

Accordingly, since none of the cited references, alone or in combination, discloses the foregoing features of independent claim 1, the rejections should be withdrawn and independent claim 1, along with dependent claims 3 and 6, should be allowed.

New Claims 7-9

New claims 7-9 are method claims with features substantially similar to those recited in claims 1, 3 and 6, respectively. Therefore, it is respectfully submitted that new claims 7-9 patentably distinguish over the cited art for at least the reasons presented herein.

Request for Examiner Interview

Applicant respectfully requests a telephonic interview to discuss various features of the claimed invention and the cited references, if the Examiner is not persuaded that the present claims patentably distinguish over the prior art. The Examiner is requested to contact the undersigned to schedule such an interview at the Examiner's earliest convenience.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542003800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 25, 2011

Respectfully submitted,

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